

**MEETING**

The regular meeting of the Hayward Planning Commission was called to order at 7:30 p.m. by Acting Chairperson Fish, followed by the Pledge of Allegiance.

**ROLL CALL**

Present: COMMISSIONERS Bennett, Bogue, Caveglia, Fish, Halliday  
Absent: COMMISSIONER: Zermefio  
CHAIRPERSON Williams

Staff Members Present: Anastas, Anderly, Anderson, Borger, Koonze, Looney,  
Trimble, Woodbury

General Public Present: Approximately 20

Election of New Officers

On a unanimous vote, Commissioner Fish was elected Chairperson; Commissioner Caveglia was elected Vice Chair and Commissioner Halliday was elected Secretary

**PUBLIC COMMENT**

John Kyle, 22638 Teakwood Street, commented on his support of the Home Depot and various papers he submitted to the Commission.

**AGENDA**

1. Tentative Parcel Map 7460 - Sukhdev Kapur and Rana Ahmed (Applicant/Owner) - Request to subdivide a .8+ acre parcel into three single-family parcels ranging in size from 10,270+ to 14,650+ square-feet. *The property is located on the southeast corner of University Court and Campus Drive in an RS (Single-Family Residential) District.*
2. Six-Month Review of Use Permit Application No. 98-160-19 and Request to Modify Conditions of Approval - Jung Lee for Hayward Music Studio (Applicant), Douglas B. Storm for Mission Properties (Owners) - A review for compliance to the conditions of approval for a 3,600 -square-foot karaoke recording studio and adjoining bar (beer only) as a commercial amusement facility. *The property is located at 21995 Mission Boulevard in the Mission Plaza on the northwest corner of Mission and Sunset Boulevards in a Central City Zoning District - Commercial Subdistrict.*
3. Text Change Application 98-140-04 - Amendments to the Zoning Ordinance and Subdivision Ordinance including, but not limited to Industrial District building design standards, Central City District use limitations, Airport Terminal-Commercial District retail uses, Group Home regulations, livestock and Animal Regulations, streamlining the review process and Live/Work provision.

4. Site Plan Review/Variance (SPR/VAR) 99-130-07 - The Olson Company and the City Redevelopment Agency (*Applicants*); B.A.R.T. and the City Redevelopment Agency (*Owners*): Request site plan approval and variances to the private open space, security gate and landscape setback requirements to construct 77 multi-family residences on a 3.5-acre site contiguous to the Hayward Civic Center Plaza. The property lies within the Central City Residential Zoning District. *The property is located at Watkins and C Streets.*

## **PUBLIC HEARINGS**

1. Tentative Parcel Map 7460 - Sukhdev Kapur and Rana Ahmed (Applicant/Owner) - Request to subdivide a .8+ acre parcel into three single-family parcels ranging in size from 10,270+ to 14,650+ square-feet. *The property is located on the southeast corner of University Court and Campus Drive in an RS (Single-Family Residential) District.*

Development Review Specialist Koonze made the staff presentation and indicated that three additional homes would be constructed with parking on the site and on the driveway. Each home will conform to the wildlife guidelines and a fire hydrant will be added to the street. The City is also requiring a 15-foot easement along Campus Drive. In response to questions from Commissioners, Development Services Specialist Koonze explained that there were no house designs submitted as of yet. The applicant will also be responsible for retaining a soils engineer to produce a soils report prior to building to determine whether the area can be stabilized.

Public Hearing Opened at 7:49 p.m.

At this point Chairperson Fish reminded the applicant that he would need 4 votes of the Commission and there were only 5 members present. The applicant indicated that he wanted to proceed.

Adnan Al Adeeb, AMA Engineering Inc., 1415 Oakland Blvd. #201, Walnut Creek, 94596, the engineer for the project, explained the slope and how it would be dealt with. He added that the housing plans had been submitted and were up for review.

Ron Pappalardo, a University Court resident, said he was speaking on behalf of the 27 neighbors who signed a petition opposing the subdivision. He cited safety of children and equestrians, traffic impacts and parking as negative reasons to approve the subdivision. He added that access by emergency vehicles would be questionable and said it would impact the quality of life in the area.

Andrew Van Laningham, 25425 University Court, asked about the slope of the lot and the driveway. He indicated that safety was a major concern.

Public Hearing was closed at 8:04 p.m.

Commissioner Bennett asked whether the project would continue if soil engineers decided it was an unbuildable lot.

Development Review Specialist Koonze responded that it would hinder any future development on the site, but two soil reports have determined that it is a buildable site.



Commissioner Bennett moved, Commissioner Caveglia seconded, to deny the map based on the finding that existing utilities are not adequate. She added that the neighborhood is being affected and not enjoying the same privilege that other areas in the City are. She then cited condition 3, installation of sidewalk, curb, gutter and tie-in paving.

Assistant City Attorney Borger indicated that even if that condition were required for this site, it would not be required throughout the whole neighborhood.

Commissioner Caveglia said he was concerned because so many people in the neighborhood signed the petition. However, he could see no findings for denial. He said he was happy to hear there would be no neighborhood sidewalk assessment and that the lots are much bigger than usual.

Commissioner Bennett said she misinterpreted the clarification and would withdraw the motion.

Commissioner Halliday asked about off-street parking if the garage is not a 3-car structure.

Development Review Specialist Koonze said there was no requirement for a 3-car garage. However, the development would still need to accommodate 5 spaces on the site.

Commissioner Bennett said she could find no reason to deny the application and moved, seconded by Commissioner Bogue, to approve the parcel map.

Commissioner Halliday said it was incumbent upon the members to follow the zoning ordinance in this instance. It would be difficult to find for denial.

The motion passed 5:0, with Commissioners Zermefio and Williams absent.

Chairperson Fish reminded anyone who was aggrieved by the decision that they had ten days in which to appeal the decision to the City Council.

2. Six-Month Review of Use Permit Application No. 98-160-19 and Request to Modify Conditions of Approval - Jung Lee for Hayward Music Studio (Applicant), Douglas B. Storm for Mission Properties (Owners) - A review for compliance to the conditions of approval for a 3,600 -square-foot karaoke recording studio and adjoining bar (beer only) as a commercial amusement facility. *The property is located at 21995 Mission Boulevard in the Mission Plaza on the northwest corner of Mission and Sunset Boulevards in a Central City Zoning District - Commercial Subdistrict.*

Planning Manager Anderly presented the staff report and reminded commissioners that they were to review this application six-months after it was initially passed. She said the Police Department had reviewed the application and said they had found no problems on the site and recommended modifying the security provisions to eliminate one

security guard, while maintaining one on-site from 7 p.m. until closing. The Police will continue to monitor the business for another six-months and possibly recommend increasing the security staffing if problems arise.

Commissioner Bogue asked for further clarification regarding any revision to the conditions after another six months.

Planning Manager Anderly explained that the application would be handled administratively if there were no major problems.

The Public Hearing Opened at 8:23 p.m.

Elsie Roth, 22071 Montgomery, a neighbor to the business, said she had no objections to the application or the business but asked that the chain across the parking lot be retained to control traffic.

Public Hearing Closed at 8:24 p.m.

Commissioner Bennett asked the Police Department representatives how they monitor the business.

Deputy Chief Trimble said they spot check and analyze calls for service to the business.

Commissioner Bennett moved, seconded by Commissioner Halliday, to approve the request to modify the conditions of approval.

The motion passed 5:0, with Commissioners Zermeno and Williams absent.

3. Text Change Application 98-140-04 - Amendments to the Zoning Ordinance and Subdivision Ordinance including, but not limited to Industrial District building design standards, Central City District use limitations, Airport Terminal-Commercial District retail uses, Group Home regulations, livestock and Animal Regulations, streamlining the review process and Live/Work provision.

Planning Manager Anderly presented the staff report and said the code amendments were recommendations based on various work sessions and suggestions from City Council, Commissioners, and outside resources. She then responded to questions from members and clarified for them the proposal for guideline incentives, floor area ratios, and design guidelines.

Commissioner Caveglia pointed out various errors in the report.

Public Hearing Opened at 8:40 p.m.

Howard Beckman, 1261 Via Dolorosa, San Lorenzo, 94580, said that, since any airport development directly affects homes in the San Lorenzo area, he would ask that the Commission separate out the Airport Zoning from the other items. He suggested that the CEQA requirements were not met with only a naked list as an initial study; there was no documentation included as required by CEQA.



In response to a question from Commissioner Bennett, Mr. Beckman indicated that he was concerned about the lack of information regarding traffic, the impact on Hesperian and the inducement for development.

John Neath, 681 Longwood Avenue, also spoke to the commercial use at the airport. He asked that the item be removed until after the Planning Commission meeting on the negative declaration on Home Depot.

John Kyle, 22638 Teakwood Street, referenced his letter on the airport zoning. He also commented on the proposal for incentives of single-story homes to encourage seniors to retire and remain in the area.

Sherman Balch, 1410 Calhoun Street, Balch Enterprises, an industrial developer in the area, said he spent a lot of time meeting with staff regarding this proposal. He said most other Cities have design controls that Hayward does not have but should have. He suggested that some properties be eliminated from Design Controls where they have existing CC&R's of a nature that already controls design. He also asked that there be an appeal process, an ombudsmen program or a mediator when designs are turned down. He then asked whether any of the current uses have been changed. He also asked when a Site Plan review is required and said tying it to a person rather than a standard is difficult.

Commissioner Bennett asked whether the Planning Commission would not fill the process of an appeals board.

Mr. Balch agreed and stated that there are design standards required but he suggested that they might have overdone the proposals. He added that the New Uniform Building Code with earthquake standards are difficult to meet with large, open, industrial buildings. He described a recent process and how frustrating and time-consuming it was.

Chuck Horner, 927 Snowberry Court, pastor of Calvary Baptist Church on Ruus Road, thanked the Assistant City Attorney for taking the time to work with him in understanding the rules for churches downtown. He suggested that the conditional use permits should include fines for landlords who lease to churches which are not permitted downtown. He suggested that churches don't want to be downtown but need some place reasonable to start. Perhaps churches could begin downtown and be limited to two-years in that area.

Lou Maiwald, 2550 Hillcrest Avenue, representing OHA and the Highland Task Force, discussed the livestock zoning requirements. He expressed disagreement with moving the minimum land requirement from 10,000 to 20,000 square feet for minimum livestock; establishing the minimum livestock requirement; and, also requiring a use permit for a permitted use. He cited Section 10-1.630, Administrative Uses and purposes, and said it seems redundant if the rules are in place, why require a permit. He quoted Supervisor Gail Steele as suggesting trying one-year without a permit and if it does not work, the permit can always be put into place.

Planning Manager Anderly responded that this has been a very contentious area. She suggested controlling it is easier when there is a permit to revoke.

Linda Brandenburg, no address given, asked what the childcare regulations in the CO district are.

Kevin Smattiers, 1807 Modoc, said he, too, supports the OHA recommendations. He did not agree with eliminating roosters from the proposal. He disagreed with the need for an administrative use permit, particularly for those who are grandfathered.

Vinay Davis, 26944 Parkside, discussed permits as complicating the process, since they would lock owners into a specific species and number, particularly when the livestock changes. She asked that OHA's requirements be accepted.

Commissioner Caveglia asked about scaling back in dropping down from a specific number of animals.

Planning Manager Anderly responded that it comes down to non-conforming uses. For example, if you come into the City from the County with a non-conforming use, you lose your right to continue if it has not been used continuously for 6-months.

Mr. Maiwald suggested that the permit creates a problem rather than setting a standard for the property.

Public Hearing Closed 9:37 p.m.

Commissioner Bennett moved, seconded by Commissioner Caveglia, to recommend to Council that they approve the Negative Declaration and the Municipal Code amendments with the following considerations: that the permit process establish a maximum number of livestock per parcel and that the maximum number could continue indefinitely as long as some livestock remain on the site. She added that there is additional time until the City Council hears the airport zoning matter for additional consideration of airport safety issues associated with commercial uses.

Commissioner Halliday suggested that City Council take a further look at the livestock permit.

Commissioner Bogue said he was not comfortable with the on-going permit process proposal because it could be misleading if there were no livestock present and then some were purchased at a later date, people who were new to the area might be misled into thinking there were no livestock housed in the area.

Commissioner Caveglia said the Commission is expressing concern on the issue but is moving it along to City Council.

Commissioner Bogue said he would support the motion as long as there were always some animals on the property with a permit

Chairperson Fish commented on the number of trucks parked around the City.

Commissioner Halliday said she did not agree with the staff depiction of churches in the



downtown area.

Commissioner Bennett agreed and said there is no one who is against churches but said this is simply restricting two streets downtown.

The motion passed 5:0, with Commissioners Zermeño and Williams absent.

Chairperson Fish called for a ten-minute break at 9:47 p.m.

The meeting then resumed at 9:57 p.m.

5. Site Plan Review/Variance (SPR/VAR) 99-130-07 - The Olson Company and the City Redevelopment Agency (*Applicants*); B.A.R.T. and the City Redevelopment Agency (*Owners*): Request site plan approval and variances to the private open space, security gate and landscape setback requirements to construct 77 multi-family residences on a 3.5-acre site contiguous to the Hayward Civic Center Plaza. The property lies within the Central City Residential Zoning District. *The property is located at Watkins and C Streets.*

Assistant City Manager Anderson brought the report of the next component of the Civic Center Plan to the Commission. He introduced Principal Planner/Landscape Architect Woodbury who presented the information. She indicated that the 77-townhome proposal incorporates some of the details from City Hall. She pointed out various amenities and similarities to Atherton Place.

Assistant City Manager Anderson added that the proposal had been presented to the CAB and the Atherton group homeowners and received a very favorable response.

Commissioner Halliday said she appreciated the preservation of the view corridor from the Library toward City Hall.

There was some discussion regarding the Negative Declaration on page 8 that, "the development would be constructed below the existing property grade in order to conform to height limits established in the Core Area Plan." In response, Principal Planner/Landscape Architect Woodbury said the project engineer had since determined that no excavation would occur and the proposal meets the height requirement.

Public Hearing Opened at 10:15 p.m.

Peter Hellman, The Olson Company, 2108 Grant Street, Concord, 94520, developer of the property, said he was available for questions and comments.

Commissioner Bogue asked why there would be no swimming pool or recreation room for the project. Mr. Hellman said that in their studies those facilities are under utilized and not considered an important component to the project. He then explained that the interiors of the homes would be as varied and interesting as those at Atherton Place.

Charlie Cameron, P.O. Box 55, complained about the Mass Transit part of the proposal. He

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passed along further information to Assistant City Manager Anderson.

Mike Brown, Carpenters Union, 1050 Mattox Road, asked for confirmation that local Union contractors and labor would be used.

Assistant City Manager Anderson assured him that it is a redevelopment project and would be a union project using local contractors.

The Public Hearing Closed at 10:25 p.m.

Commissioner Bogue **moved**, seconded by Commissioner Caveglia, to approve the proposal and recommend it to the City Council. He also suggested more articulation be considered on the ends of the buildings.

Commissioner Bennett said she would be opposing the motion since it feels really crowded. She suggested that this project would be more appropriately suited to the Lucky's site and that this site be left as open space. It could be used for the Farmer's Market, for example. At the least, a row of the townhomes sitting directly next to the City Hall should be removed. She said this is a massive project that takes away from the beauty of the City Hall.

Commissioner Halliday said she would support the motion because the City committed to develop this property residentially.

Chairperson Fish said he appreciated the history of this project but would like to see more density to it.

Commissioner Caveglia said this is not where you want sprawl but the only way the downtown is going to change is to have people in the downtown area.

The **motion passed 4:1**, with Commissioner Bennett voting no, and Commissioners Zermeño and Williams absent.

## **ADDITIONAL MATTERS**

### **6. Oral Report on Planning and Zoning Matters**

Senior Planner/Landscape Architect Woodbury announced that the City Council had upheld the Planning Commission vote to deny El Tapitia a Liquor License.

### **7. Commissioners' Announcements, Referrals**

Commissioner Halliday reported on the artist submissions for the walls of the B Street Marketplace/parking garage. She explained that what the Committee saw were concept designs. Out of the many submissions, a few will be invited to submit actual proposals for the site.

Commissioner Caveglia asked about the leased signs on the building.

Assistant City Manager Anderson explained that two businesses had leased footage: a Mail Boxes, Etc., and a sit-down Mexican restaurant.



**MINUTES**



**REGULAR MEETING OF THE PLANNING  
COMMISSION, CITY OF HAYWARD, Council  
Chambers, Thursday, July 15, 1999,  
7:30 p.m. 777 "B" Street, Hayward, CA 94541**

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Chairperson Fish noted road construction in the hills near the quarry and asked for further information.

Development Review Services Engineer Anastas said he would check into the matter.

**MINUTES**

- June 10, 1999 - Approved
- June 24, 1999 - Approved

**ADJOURNMENT**

The meeting was adjourned by Chairperson Fish at 10:36 p.m.

**APPROVED:**

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Barbara Halliday, Secretary  
Planning Commission

**ATTEST:**

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Edith Looney  
Commission Secretary